



**ఆంధ్రప్రదేశ్ రాజ పత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

**PART I EXTRAORDINARY**

No.1356

AMARAVATI, TUESDAY, OCTOBER 11, 2022

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**NOTIFICATIONS BY GOVERNMENT**

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**HOME DEPARTMENT**  
**(GENERAL.B)**

THE ANDHRA PRADESH PREVENTION OF ANTI-SOCIAL AND HAZARDOUS ACTIVITIES, TRIBUNAL (PROCEDURE) RULES, 2022 UNDER SECTION 6 OF THE A. P. PREVENTION OF ANTI- SOCIAL AND HAZARDOUS ACTIVITIES ACT, 1980.

*[G.O.Ms.No.145, Home (General.B), 10<sup>th</sup> October, 2022.]*

**NOTIFICATION**

In exercise of the powers conferred by section 6 of the Andhra Pradesh Prevention of Anti- Social and Hazardous Activities Act, 1980, the Government of Andhra Pradesh hereby make the following the Andhra Pradesh Prevention of Anti-Social and Hazardous Activities, Tribunal (Procedure) Rules, 2022.

## **RULES**

### **CHAPTER I**

#### *Preliminary*

**1. Short title and commencement:** These rules may be called *the Andhra Pradesh Prevention of Anti-Social and Hazardous Activities Tribunal ( Procedure) Rules, 2022*.

**2. Definitions.** - In these rules, unless the context otherwise requires, -

- (a) "**Act**" means **the Andhra Pradesh Prevention of Anti-Social and Hazardous Activities Act, 1980 (Act No. 9 of 1980)** ;
- (b) "**Appeal**" means an appeal preferred to the Tribunal under Section 6 of the Act;
- (c) "**Presiding Officer**" means the Judicial Officer appointed under the Rules.
- (d) "**Form**" means a form appended to these rules;
- (e) "**Gazette**" means the Gazette of Andhra Pradesh;
- (f) "**Rules**" means **the Andhra Pradesh Prevention of Anti – Social and Hazardous Activities, Tribunal (Procedure) Rules, 2022**;
- (g) "**Secretary**" means the person, appointed as such by the Government, or on deputation to the Tribunal, who is for the time being discharging the functions of the Secretary to the Tribunal;
- (h) "**Tribunal**", means the Tribunal constituted under Section 6 of the Act;

### **CHAPTER II**

#### **3. CONSTITUTION OF TRIBUNAL**

(1) The presiding Officer of the Tribunal shall be a person who has been a District Judge and shall be appointed by the Government for a period not exceeding 3 years. The Salaries and Allowances etc., shall be as such as may be fixed time to time.

(2) The Secretary to the Tribunal shall be an officer not below the rank of Assistant Secretary to Government or its equivalent cadre appointed as such, and it shall be competent for the Government to place any officer of that rank on deputation to function as such.

#### **4. SEAT OF THE TRIBUNAL**

(1). The Head-quarters of the Tribunal shall be at Kurnool .

**(2). Place of hearing.** - All Appeals shall ordinarily be heard at the Head-quarters of the Tribunal where it is functioning:

Provided that the Tribunal may, in order to facilitate the hearings, have sittings at such place as it may determine.

(3). **Language.** - The language of the Tribunal shall be in English:

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Telugu, if they so desire.

### **CHAPTER III**

#### ***PROCEDURE***

**5. Presentation of Appeals:** - (1) An appeal shall be presented to Tribunal either in person or by sending it through a registered post, within the 15 days of the Service of the order under appeal.

(2) An appeal preferred shall contain the full name and address of the necessary parties to the appeal and the authority whose orders are under appeal and to whom the notice may be sent.

**6. Procedure for filing of appeal** - An appeal under section 6 of the Act, shall be in the form of a Memorandum setting forth concisely the grounds of appeal and shall be accompanied by the original or a certified copy of the order under appeal. Every appeal shall also be accompanied by as many copies of the memo as there are respondents in addition to three originals.

#### **Registration of Appeals**

**7.(a) Registration of Appeals applications.** - On receipt of an Memorandum of appeal, the Secretary shall endorse on it the date of its receipt and shall cause the same to be recorded in **Form-A** appended to these rules.

(b) If the Secretary finds that the appeal does not conform to the requirement of the Act or the rules made thereunder, he shall cause it to be returned by making an endorsement on the same and calling upon the appellant to rectify the defect or defects within the period of 15 days and cause it to be entered in the remarks column of the Form-A and paste it on the notice board of the Tribunal. The Secretary may, for sufficient cause, extend the said period, if the defect or defects are not rectified within the period allowed but not exceeding the period of 15 days. The Secretary shall cause the appeal to be registered in the prescribed Register [**Form-B**].

(c) If the defect or defects are not rectified within the period allowed, the Secretary shall make a report to that effect to the Presiding Officer who thereupon may pass such orders as are deemed fit in the facts and circumstances of the case, with due notice to the appellant. It shall be competent for the Tribunal to extend the time further for representation of the appeal, for reasons to be recorded in writing.

- (d) If the Secretary is satisfied that the appeal is presented properly, he shall cause the particulars of the same to be entered in the Register in Form-A. Such entries shall be numbered year wise according to the order in which they are registered. The serial number of the Register shall be given as the case number of the Appeal as Original Appeal Number.
- e) The appellant shall file a separate petition accompanied by an affidavit seeking interim orders in the appeal which shall be numbered as Miscellaneous Application.

Provided that if more than one appeal are filed against the same order, they shall be clubbed together and disposed off by a common order.

- f) The Secretary shall keep record of the hearing of the appeal in the Form-A, by duly mentioning the particulars of dates hearing of the appeal, orders passed from time to time and the date of disposal of the appeal.

**8. Appeal to be filed within the time:** An appeal under Section 6 shall be presented within the period prescribed under the Act:

Provided that if any doubt arises as to the date of receipt of the order by the party aggrieved, the decision of the Presiding Officer thereon shall be final:

Provided further that where an appeal is presented within the prescribed period, but is returned for rectification and if such appeal is again presented with all the defects rectified within the time allowed, it shall be deemed to have been presented with all the defects rectified within the date specified, it shall also be deemed to have been presented in time.

**9. Order.** - (1) Every order of the Tribunal shall be in writing and shall be pronounced in the Court immediately after hearing or on the date fixed for the purpose.

(2) The order shall be pronounced in open Court after giving notice to the parties concerned.

(3) The Tribunal shall serve a copy of the order to the Appellant and the Respondent after disposal.

#### **CHAPTER IV** *Miscellaneous*

**10. Service of Notice:** - (1) The notice required to be issued by the Tribunal shall be sent to the parties by Registered Post with Acknowledgment due, as per the addresses furnished in the appeal. An acknowledgment containing the signature of the addressee when delivered or on endorsement by the postal authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved, be deemed to be sufficient to hold that the notice was duly served.

(2) Any notice or summons under the Rules shall be issued in **Form-C**

**11. Maintenance of registers:**— All applications for copies of documents or orders on registration shall be entered in the register in **Form-D** and numbered seriatum.

**12. Rules relating to Criminal Rules of Practice to be followed:**— (1) Whenever these rules are silent on the question of any procedure, the Tribunals shall follow the procedure stipulated under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) The Tribunal shall be competent to pass such incidental orders in the interests of justice consistent with the principles of natural justice in the course of disposal of the appeal filed under the Act and rules.

**Form A**

[See Rule 7(a) ]

**Register of Appeal cases**

1. Serial No. :
2. Name and address of the appellant :
3. Appeal No. :
4. Number of appellants concerned :
5. Proceedings under appeal
- 6.
- 7.
- 8.
- 9.
10. Remarks :

11. Initials of the Officers :

**Form B**

[See Rule 7(b)]

Before *the Andhra Pradesh Prevention of Anti -Social and Hazardous Activities*

Tribunal at .....

Appeal No. .... of 20 .....

Appellant

vs.

Respondent

To

The above named appellant.

You have filed an Appeal against the orders of the ..... dated .....

It does not comply with the provisions of the *Andhra Pradesh Prevention of Anti - Social and Hazardous Activities Act, 1980* and the rules made thereunder in the following aspects :.....  
.....

You are hereby required to remedy the defects within .....of the receipt of this notice by you.

(Given under the Hand and Seal of the Tribunal)

**By Order***Secretary*

Date :

Seal :

**Form C**Before *the Andhra Pradesh Prevention of Anti -Social and Hazardous Activities*

Tribunal at .....

Memorandum No. .... of 20 .....

Appellant

vs.

Respondent

To

Mr. ....

The above named person has preferred an appeal.

No. ....against the orders of .....

By order of the Tribunal dt. . you are hereby called upon to

(Given under the Hand and Seal of the Tribunal)

*Secretary*

Date :

Seal :

**Form D***[See Rule 17]*

1. Serial No.:
2. Name and address of the applicant :
3. Appeal No. :
4. Number of Applicants :
5. Date of application made for the copy of:
6. Date on which the copy was made ready:
7. Date on which the copy was communicated:
8. Remarks :

*Secretary*

4. This notification shall be deemed to have come into force with effect on and from 11<sup>th</sup> day of October, 2022.

**HARISH KUMAR GUPTA,***Principal Secretary to Government.*

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